

Message Text

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ACTION OES-05

INFO OCT-01 ARA-06 EUR-12 NEA-10 IO-11 ISO-00 SP-02 EA-07

ACDA-05 CIAE-00 INR-07 L-03 NSAE-00 NSC-05 EB-07

NRC-05 FEAE-00 DODE-00 SSO-00 NSCE-00 INRE-00 /086 W

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O 201808Z FEB 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 7122

INFO AMEMBASSY ERLIN IMMEDIATE

USMISSION BERLIN IMMEDIATE

AMEMBASSY BONN IMMEDIATE

AMEMBASSY BRASILIA IMMEDIATE

AMEMBASSY ISLAMABAD IMMEDIATE

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY MOSCOW IMMEDIATE

AMEMBASSY OTTAWA IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMCONSUL RIO DE JANEIRO IMMEDIATE

AMCONSUL SAO PAULO IMMEDIATE

USMISSION EC BRUSSELS IMMEDIATE

USERDA GERMANTOWN IMMEDIATE

C O N F I D E N T I A L IAEA VIENNA 1371

EO 11652: GDS

TAGS: AORG, OCON, IAEA, PARM, GW, BR, FR, PK

SUBJECT: IAEA BOARD OF GOVERNORS: FRANCE/IAEA PAKISTAN

TRILATERAL SAFEGUARDS AGREEMENT

DEPT PASS IO/SCT

REF: IAEA VIENNA 1271

1. AS REPORTED SEPTTEL, ODDS ARE THAT FRG-BRAZIL-IAEA TRILATERAL SAFEGUARDS AGREEMENT, WITH SOME MODIFICATION, WILL BE APPROVED AT FORTHCOMING BOARD MEETING.

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2. SEPTTEL ALSO REPORTS THAT FRENCH HAD RAISED WITH FRG QUESTION OF LATTER'S WILLINGNESS CHANGE PROVISION IN FRG-BRAZIL-IAEA TRILATERAL RE TIME WHEN 20-YEAR PERIOD BEGINS FOR CONCLUSIVE PRESUMPTION OF UTILIZATION OF TRANSFERRED TECHNOLOGY. WE HAD RECEIVED INDICATIONS EARLIER THAT FRANCE AND PAKISTAN HAD PLANNED AGREE, AS CALLED FOR IN DRAFT TEXT FRANCE-PAKISTAN-IAEA TRILATERAL, BY EXCHANGE OF LETTERS THAT CONCLUSIVE PRESUMPTION PERIOD WOULD BE SAME AS THAT IN PRESENT DRAFT FRG-BRAZIL-IAEA TRILATERAL; I.E. BEGIN WHEN IAEA NOTIFIED OF INITIAL TRANSFER OF SPECIFIED INFORMATION.

3. IF FRG-BRAZIL-IAEA TRILATERAL IS CHANGED SO THAT PERIOD BEGINS WITH DATE OF OPERATION OF FACILITY IN WHICH SPECIFIED INFORMATION IS UTILIZED, THAT WOULD OPEN WAY FOR FRENCH, IN EXPLANATORY STATEMENT AT BOARD, TO STATE THAT PERIOD CONTEMPLATED FOR FRENCH-PAKISTAN EXCHANGE OF LETTERS WILL FOLLOW FRG-BRAZIL EXAMPLE.

4. FOREGOING SCRIPT WOULD LEAVE ONLY ONE POSSIBLE SHORTCOMING MISSION HAS IDENTIFIED IN SUBJECT AGREEMENT; NAMELY, THAT ARTICLE 17 PROVIDES FOR AGENCY USE OF APPROPRIATE CONTAINMENT AND SURVEILLANCE MEASURES ONLY "AS MAY BE AGREED" BETWEEN IAEA AND PAKISTAN. THIS IS SAME FORMULATION AS IN EARLIER FRANC-KOREA-

IAEA TRILATERAL APPROVED BY BOARD IN SEPTEMBER 1974. PROPOSED FRG-BRAZIL-IAEA TRILATERAL ON OTHER HAND CONTAINS PREFERRED FORMULATION (ART. 15.2) WHICH OMITTS "AS MAY BE AGREED" PHRASE IN REFERRING TO SUCH MEASURES. UNDER EITHER TRILATERAL, HOWEVER, "SUBSIDIARY ARRANGEMENTS" (WHICH WILL SPECIFY WHICH SUCH MEASURES ARE TO BE EMPLOYED IN PARTICULAR) CONFIDENTIAL

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FACILITY) WILL BE SUBJECT TO AGREEMENT BETWEEN AGENCY AND GOVERNMENT CONCERNED. IN ANY CASE, IT WOULD BE USEFUL FOR BOARD TO BE ASSURED THAT DIFFERENCE IN WORDING BETWEEN TWO TRILATERALS UNDER CONSIDERATION IS INSIGNIFICANT. THIS, TOO, COULD BE ACCOMPLISHED EITHER BY FRENCH EXPLANATORY STATEMENT TO THAT EFFECT OR, PREFERABLY BY MINOR ADJUSTMENT DURING BOARD MEETING, IF NOT

BEFORE, OF SUBJECT AGREEMENT LANGUAGE.

5. IF FOREGOING OCCURS, WE SEE NO OTHER SUBSTANTIVE BASIS FOR OBJECTION TO BOARD APPROVAL OF SUBJECT AGREEMENT.

6. SOME OTHER GOVERNORS MAY, HOWEVER, RAISE PROCEDURAL POINT, NOTING SHORT TIME AGREEMENT TEXT AVAILABLE FOR TRANSMISSION AND STUDY IN CAPITALS AND RECEIPT OF INSTRUCTIONS, AND PROPOSE DEFERMENT. IF SUFFICIENT GOVERNORS PUSH FOR DEFERMENT, WE WOULD EXPECT THAT FRENCH WOULD, AT MOST, AGREE TO POSTPONE TO SPECIAL BOARD MEETING SEVERAL WEEKS LATER, IN ORDER TO MEET TRADITIONAL (BUT NOT WITHOUT EXCEPTION) FOUR TO SIX WEEKS ADVANCE AVAILABILITY OF TEXT.

7. WE RECOMMEND U.S. ACQUIESCE IN SUCH DEFERMENT, WHICH WE JUDGE TO BE UNLIKELY. WE DO

NOT, HOWEVER, RECOMMEND U.S. PUSH FOR DEFERMENT.

8. IF CONSENSUS DEVELOPS FOR APPROVAL, WHETHER OR NOT POINTS DISCUSSED OF AS WE WOULD PREFER, WE RECOMMEND US NOT RPT NOT OPPOSE. IN THAT CASE, HOWEVER, WE RECOMMEND STATEMENT FOR RECORD MAKING CLEAR USG QUESTIONS RE NECESSITY AND DESIRABILITY OF ACQUISITION OF REPROCESSING FACILITY BY PAKISTAN.

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9. ADVISE. TAPE

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Message Attributes

Automatic Decaptioning: X
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Draft Date: 20 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Margaret P. Grafeld
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